IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 28130 of 2007(W)

PETITIONER:

JACINTHA MORRIS, AGED 43 YEARS,
W/O.MARIAN HENRY, DOROTHY COTTAGE,
SAKTHIKULANGARA, KOLLAM. NOW RESIDING AT
ROOM NO.410, NALANDA WORKING WOMEN'S HOSTEL,
NANTHANCAUD, THIRUVANANTHAPURAM.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PRINCIPAL SECRETARY, PUBLIC WORKS DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. EXECUTIVE ENGINEER BUILDING SECTION,
P.W.D. THIRUVANANTHAPURAM.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 28130 OF 2007 W
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Dated this the 24th September, 2007

J U D G M E N T

The prayer in the writ petition is to quash Exts. P5, P6, P7 and P8 and to direct the respondents not to evict the petitioner from Nalanda Working Women's Hostel.

2. Admittedly, the hostel belongs to the Public Works Department. The petitioner is an employee of the Central Government working in the Accountant General's office. Apparently she was also designated as the Estate Officer/Warden and no remuneration or other status is seen conferred on her by reason of such designation. In any case, the petitioner has not produced any order or rule conferring on her any such privilege attached to such designation.

3. It would appear that there was a recommendation by the Legislative Committee which was accepted by the P.W.D. Accordingly by Ext. P6, the Public Works Department directed its implementation and in pursuance thereof Ext. P7 notice was issued to the effect that

the employees of the Central Government and the Gazetted Officers of the State will not be permitted to stay in the hostel. Subsequently, Ext. P8 notice was issued by the 2nd respondent, which also makes reference to the recommendation of the Legislative Committee and directed that the Central Government employees and the Gazetted Officers of the State should vacate the hostel within seven days.

4. The learned counsel for the writ petitioner contends that in directing her to vacate the hostel, there is violation of Article 311 of the Constitution. I am not prepared to agree with the counsel. First of all, by the impugned action of the respondents, there is no termination of employment. In any case, the fact that she was designated as Estate Officer, has not resulted in conferment of any status or privilege which has been taken away by the impugned action of the respondents.

5. Petitioner also makes a complaint that she ought to have been put on notice and heard before Ext. P8 was issued. Admittedly, the hostel belongs to the Public Works Department which had taken a policy

decision and it is in pursuance to that decision, Exts. P7 and P8 are issued. If that be so, by the impugned action none of the legal rights of the petitioner has been violated. In the absence of a violation of the rights of a person, there cannot be a complaint that natural justice has been violated.

6. Since I have found that by the impugned action none of the rights of the petitioner has been violated I see no ground to interfere with this writ petition. For these reasons I do not find any merit in the writ petition.

The writ petition is dismissed.

ANTONY DOMINIC
JUDGE

jan/-